

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITES STATES OF AMERICA)	
)	CASE NO. 3:05-CR-234-A
v.)	
)	
TYRONE WHITE)	

MOTION FOR LIVE TESTIMONY

COMES NOW the Defendant TYRONE WHITE, by and through his attorney, Julian L. McPhillips, Jr., and respectfully moves this Honorable Court to permit live testimony at the hearing currently set for Monday, November 21, 2005.

The Defendant wishes to present live testimony in support of his Motion to Dismiss. The Defendant intends to call three witnesses, Jerry Stinson, Shenard Pitts, and Mitchell Giles, to testify about their treatment at the hands of the Auburn Police Department.

By allowing live testimony, this Court will be better able to judge the credibility of the affidavits previously submitted in this case.

WHEREFORE, above premises considered, the undersigned prays that this Honorable Court will permit live testimony at the hearing on the Defendant's Motion to Dismiss.

RESPECTFULLY SUBMITTED this 17th day of November 2005,

TYRONE WHITE
Defendant

/s/ Julian L. McPhillips, Jr.
JULIAN L. McPHILLIPS, JR.
Attorney for Defendant
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CERTIFICATE OF SERVICE

I certify that, on this date, I have served a copy of the foregoing upon the Government by electronic filing, and by mailing an additional courtesy copy of same to the Government's attorneys at the addresses below:

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/s/ Julian L. McPhillips, Jr.
JULIAN L. McPHILLIPS, JR.
Attorney for Defendant